

AMENDMENTS TO THE DRAWINGS WITHOUT MARKINGS

IN THE DRAWING:

Fig. 3 has been added.

REMARKS

The last Office Action of October 24, 2005 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-18 are pending in the application. Claims 2, 5, 6, 10, 11, 13 have been amended. Claims 1 and 9 have been canceled. No claims have been added. Amendments to the specification have been made. Fig. 3 has been added. No fee is due.

It is noted that the drawings are objected to because of applicant's failure to show every feature set forth in the claims.. A new drawing sheet Fig. 3 is submitted and labeled "New Sheet".

Claims 1, 5, 9, and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No.6,789,660 to Bruun

Claims 13-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bruun in view of European Pat. No. EP 1094018 to Rijksen.

It is noted with appreciation that claims 2-4, 6-8, 10, 12, and 18 are indicated allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

OBJECTION TO THE DRAWING

Applicant submits herewith a new Fig. 3 to show the sensor assembly, the transport path, and the screening device. The specification has been amended to make it consistent with the amendments to the drawing. These changes are self-explanatory, so that further discussion is not necessary. No new matter has been added.

Withdrawal of the objection to the drawing is thus respectfully requested.

REJECTION UNDER 35 U.S.C. §103(a)

Applicant has canceled original claim 1 in favor of independent claim 2, as suggested by the Examiner, who indicated that originally filed claim 2 would be allowable if rewritten in independent form. In addition, applicant has rewritten original claim 6 in independent form, as suggested by the Examiner, who indicated that originally filed claim 6 would be allowable if rewritten in independent form. Applicant has also canceled original claim 9 in favor of independent claim 10, as suggested by the Examiner, who indicated that originally filed claim 10 would be allowable if rewritten in independent form. Accordingly, applicant asserts that claims 2, 6 and 10 have not been narrowed to trigger prosecution history estoppel. *See Salazar v. Procter & Gamble Co.*, 75 USPQ2d, 1369 (stating that introducing claim 7 based on the allowable subject matter of dependent claim 3 of the "149 application was not a narrowing amendment for purposes of patentability and, therefore, does not by itself give rise to prosecution history estoppel).

Claims 5, 11 and 13 have been amended to change their dependency so as to make them dependent on claim 2 and 10, respectively.

Withdrawal of the rejection under 35 U.S.C. §103(a) and allowance of claims 2-8, 10-18 are thus respectfully requested.

CITED REFERENCES

Applicant has also carefully scrutinized the further cited prior art and finds it without any relevance to the newly submitted claims. It is thus felt that no specific discussion thereof is necessary.

CONCLUSION

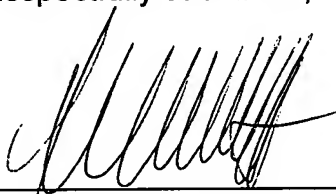
In view of the above presented remarks and amendments, it is respectfully

submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

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